

BEFORE THE
FEDERAL ELECTION COMMISSION

American Democracy Legal Fund,

Complainant

v.

Republican National Committee et al.,

Respondents

MUR 6888

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2015 FEB 24 PM 4:06

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FEDERAL ELECTION
COMMISSION

**RESPONSE OF THE WEST VIRGINIA REPUBLICAN PARTY, MICHELLE
WILSHERE TREASURER AND CONRAD LUCAS CHAIRMAN, TO THE
SUPPLEMENTAL COMPLAINT OF AMERICAN DEMOCRACY LEGAL FUND**

During the 2014 election cycle, Complainant American Democracy Legal Fund ("ADLF") filed an initial complaint against six respondents in this matter alleging that respondents violated numerous provisions of federal election law regarding coordinated communication. In the days leading up to the election itself, ADLF filed a supplemental complaint naming the West Virginia Republican Party and/or its Party Treasurer (collectively "WVGOP") as an additional party.

Prayer for Relief

The WVGOP requests the complaint be dismissed because it is clearly politically motivated and fails to allege any facts or offer a legal theory that amount to a violation of the law.

Facts

The West Virginia Republican Party entered into a contractual relationship with i360 - a vendor in which we paid fair market value for goods/services rendered, and fully disclosed the

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payments. Under the contract, the WVGOP was a mere subscriber, which means that we passively received data and never sent any information back to i360 that could conceivably be used by a common vendor in a coordinated communication.

Legal Standard

The complaint fails to allege facts or legal theory that would constitute a violation of the law. The complaint states on page 6: "Reports filed with the Commission have revealed the identities of the Republican state party committees and federal candidate committees that are using i360's voter database, and therefore, passing on crucial non-public voter information to i360s other "independent" clients, entities that are legally prohibited from coordinating with the party and candidate committees." However, that statement in and of itself does not support any legal theory on which the WVGOP has violated the law. The statement and its underlying assumptions say nothing about our use of the data or how it was purportedly shared, even assuming the data is something the sharing of which is somehow a violation.

Further, the Complaint relies on the "common vendor" prong of coordination regulation, but i360 isn't a "common vendor" under the regulation (11 C.F.R. 109.21(d)(4)), because it doesn't "create, produce, or distribute" communications.

Nowhere in the complaint are facts given that meet the standards set in MUR 5878 to "contain a clear and concise recitation of the facts which describe a violation of statute or regulation." Moreover, we do not believe the complaint has met the "reason to believe" standard as articulated in MUR 4960.

Considering that facts have not been presented that meet the standards set in numerous rulings by the Federal Election Commission to trigger even the slightest suspicion and the timing

of the Complaint itself was obviously politically motivated, we respectfully request that this matter be dismissed against the WVGOP.

100-41404-0001

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CERTIFICATE OF SERVICE

I hereby certify that on this date I served a true copy of the foregoing **RESPONSE OF THE WEST VIRGINIA REPUBLICAN PARTY, MICHELLE WILSHERE TREASURER, CONRAD LUCAS CHAIRMAN, TO SUPPLEMENTAL COMPLAINT OF AMERICAN DEMOCRACY LEGAL FUND** by first class mail with appropriate postage to:

Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Frankie Hampton
999 E Street, NW
Washington, DC 20436

This 24th Day of February, 2015.



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West Virginia bar No. 11023

West Virginia Republican Party
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